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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,200	01/29/2002	Uwe Heitmann	31976-177336	3906

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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

KIM, EUGENE LEE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 08/05/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Applicati n N .

10/058,200

Applicant(s)

HEITMANN ET AL.

Examiner

Eugene L Kim

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 38-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-25, 27-37, 49-55, 58-66 is/are rejected.
- 7) ☒ Claim(s) 26,56 and 57 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2, 5</u> . | 6) <input type="checkbox"/> Other: . |

DETAILED ACTION

1. Claim 1-15, 38-48 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 60 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 60 line 5, "proving" should be ---providing---.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16, 18-25, 33-37 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Reynolds (GB1212963). Reynolds shows a filter tube feeding element 14, at least one processing station which comprises a rotating drum 28 which rotates on a vertical axis (p. 3 left column lines 37+) and at least one conveyor 16 which delivers the tubes to at least one processing station. Reynolds shows at least one conveyor 16 to move the filter tubes cross-axially, with at least one processing station 22 arranged next to conveyor 16 to make a cutting

operation. The plurality of conveyors is read on the two conveyors 16 wherein maximally one processing station is assigned to each conveyor. The tubes are subsequently conveyed in means 24 which transports the cut tubes which reads on a conveyor that rotates since the tubes get rotated at element 26 during the conveying path. The filtering material feeding station is read on station 30 and the insertion station is done at 30a via the actuation of sliding stop means 32 with bore 30b. The removal station is read on removing the products onto belt 92. Reynolds discloses that the tubular elements would be warmed (col 3 lines 125+) which reads on at least one heating station. Reynolds shows a lever element with bore 30a as well as a stop element 32 that stops the filtering material.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 17 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Schubert (#3,603,058). Reynolds does not show the filter tubes with a filter element arranged in the central region in a pre-manufactured operation. Reynolds also does not show the plunger means as claimed. Schubert shows a central filter region 68 with prefabricated tubes 1 as shown in figure 10. Schubert also shows plunger means 283 that mate with bore 293 to control filtering material. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide

Reynolds with a central filter region and the plunger means as taught by Schubert to form filter means in the conventional manner (col 7 lines 40+) as well as to use plunger means to provide an alternative mechanical equivalent means to control the flow of filtering material.

8. Claims 27-32, 49-55, 58, 59, 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds. Reynolds substantially shows the claimed subject matter as discussed supra and discloses that prescribed quantities of material are used (col 3 lines 74+). Reynolds does not specifically disclose that two portions of material in a single operational step. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Reynolds with two portions of material to fill a prescribed quantity which Reynolds discloses the apparatus performs. Regarding the plurality of bores as claimed, the examiner notes that is obvious to duplicate parts, such as, duplicating bores for a multiplied effect. See *St. Regis Paper Co. v. Bemis Co, Inc.*, 193 USPQ 8, 11 (7th Cir. 1977).

9. Claims 26, 56-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene L Kim whose telephone number is 703 308-1886. The examiner can normally be reached on Tuesday-Friday 8 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9302 for regular communications and 703 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1148.



Eugene Kim
July 31, 2003